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SUBJECT: RWANDA/FRANCE: ROSE KABUYE'S ARREST

REF: KIGALI 796

Classified By: Political Counselor Andrew Young, 1.4 (b/d).

¶1. (C) SUMMARY: The French expect that Rwandan official Rose Kabuye will be extradited to France from Germany by November 21 at the latest. In France, she will testify before French judges investigating the 1994 Rwandan genocide. The judges will decide, in effect, either to dismiss the case against her or proceed to trial. If the latter, the French anticipate that Rwanda will retaliate by issuing warrants against French citizens (some quite prominent) who Rwandans believe were complicit in the 1994 genocide. END SUMMARY.

¶2. (C) MFA Rwanda desk officer Laurent Chevallier on November 13 provided the GOF's reaction to the arrest of Rose Kabuye in Germany on November 9 (reftel). Kabuye is a close advisor to President Kagame and chief of Rwandan Presidential Protocol. Chevallier said that Kabuye would likely be transferred to France by November 21, if not sooner, pursuant to the extradition provision implicit in the French arrest warrant against her for alleged involvement in the 1994 Rwandan genocide. The warrant was among several that were issued as a result of former anti-terrorism Judge Jean-Louis Bruguiere's November 2006 report. This report caused Rwanda to sever diplomatic relations with France almost immediately after the report appeared.

¶3. (C) Once in French custody, Kabuye will testify before the two judges who replaced Bruguiere when he resigned his judgeship shortly after issuing the November 2006 report. These two judges will, according to Chevallier, determine whether to dismiss the case because of an insufficient accusation or whether to go to trial.

¶4. (C) Echoing press reports and reftel, Chevallier said that Rwanda could see this coming and was perhaps using the Kabuye case in an attempt to show that Bruguiere's accusations against Kabuye (and, by extension, against the other accused parties) were unfounded. Chevallier explained that before Kabuye went to Germany, the Germans told the Rwandans that she would be arrested if she went to Germany. Her trip to Germany was to prepare for Kagame's visit, the focus of which was to hold talks with German industrialists about investing in Rwanda. The Germans considered Kagame's visit to be "private," as he was not going to Germany to conduct "official" business with Germany or in an international context. Because Kagame's visit was "private," so too was Kabuye's preparatory visit, and she thus did not enjoy the immunity that an "official" visit would have provided. Despite this warning, Kabuye went to Germany and was arrested. Chevallier said that the Germans had not discussed this in advance with the French, who learned about Kabuye's arrest only when it happened, after which the Germans provided the background on how they had warned Kigali.

¶5. (C) Chevallier said that Rwanda would likely publicize Kabuye's situation and try to portray her as a victim or

martyr to the extent possible, in order to build sympathy. He noted Kagame's visit to see her while in German custody. More troublesome would be Rwanda's reaction should Kabuye be tried in France or otherwise remain in French custody for a long period. In that case, Chevallier believed that Rwanda would likely start issuing arrest warrants against the French named in Rwanda's recent report on the 1994 genocide (the Rwandan response to Bruguiere's report). Some of the French mentioned in the report were quite high-profile -- former PM Balladur and former FM Vedrine, to name just two. The Rwandans had not yet issued arrest warrants on the basis of the report but likely would if Kabuye had to spend significant time in French custody, Chevallier stressed. "They are very much in an eye-for-an-eye mode," he remarked.

16. (C) Asked what would be the effect if Rwanda issued proper warrants against the French that the rest of the world would be obliged to honor, Chevallier responded that "that depends on what our partners do. I know you can't answer this, but think about it: If Vedrine, for example, goes to Washington on one of his normal sort of visits, are you going to arrest him pursuant to a Rwandan arrest warrant?" Chevallier concluded by reiterating the independence of France's judiciary, upon which much would depend concerning the France-Rwanda relationship.

Allegrone